

**THE WOODLANDS TOWNSHIP**

**BOARD OF DIRECTORS**

**WORKSHOP MEETING**

**AUGUST 18, 2011**

**MINUTES**

**THE STATE OF TEXAS   §**

**COUNTIES OF HARRIS & MONTGOMERY   §**

The Board of Directors of The Woodlands Township met in regular session, open to the public, on August 18, 2011, posted to begin at 7:30 a.m. The workshop session was held in a meeting room at the office of The Woodlands Township, Board Chambers, 10001 Woodloch Forest Drive, Suite 600, The Woodlands, Texas, within the boundaries of The Woodlands Township.

**DIRECTORS PRESENT:** Chairman Bruce Tough, Vice Chairman Lloyd Matthews, Secretary Claude Hunter, Treasurer Ed Robb, Director Nelda Blair, Director Tom Campbell, and Director Peggy Hausman

**DIRECTORS ABSENT:** None

**STAFF/ADVISORS:** Don Norrell, President/General Manager, John Powers, Assistant General Manager Community Services, Monique Sharp, Assistant General Manager of Finance & Administration, Fire Chief Alan Benson, Susan Welbes, Director of Human Resources, Nick Wolda, Director of Community Relations/CVB President, Miles McKinney, Legislative Affairs & Transportation Manager, Karen Dempsey, Management Analyst, Mary Connell, Manager of Community Relations, Mike Page and Bret Strong, Legal Counsel

**Pledge of Allegiance:**

Director Campbell led the Pledge of Allegiance to the United States flag and Texas State flag.

**Call to Order:**

Chairman Tough called the workshop session to order at 7:30 a.m. and declared that notice of this meeting was posted 72 hours in advance at the Courthouses of Montgomery and Harris Counties and inside the boundaries of The Woodlands Township at the office building located at 10001 Woodloch Forest Drive, Suite 600, The Woodlands, Texas. As there was a quorum of members present, the Board proceeded to conduct business regarding the following matters.

**Consider and act upon adoption of the meeting agenda:**

Chairman Tough then called for a motion and second to adopt the meeting agenda.

**MOTION:** Motion by Secretary Hunter to adopt the agenda; second by Director Blair  
Director Blair requested that agenda item #10, regarding discussion of the Waterway Cruisers budget, be received before discussion of the potential Consent Agenda. Secretary Hunter accepted the request.

Director Campbell noted that the same agenda item should have included wording to reflect that action would be taken on this item. Mr. Norrell advised the Board that this item will be brought forward to the August 24, 2011 regular Board meeting for consideration and action under the Regular Agenda.

**VOTE:**           **Ayes:** Chairman Tough  
                          Vice Chairman Matthews  
                          Secretary Hunter  
                          Treasurer Robb  
                          Director Blair  
                          Director Campbell  
                          Director Hausman

**Nays:** None

**Abstentions:** None

**Absent:** None

**ACTION:** Motion passed unanimously (7-0).

**Recognize Public Officials:**

No public officials were recognized.

**Public Comment:**

There was no public comment.

**Receive, consider and act upon a proclamation recognizing Mr. Gerald Irons, retiring Conroe Independent School District Trustee:**

Chairman Tough acknowledged, by way of a proclamation, retiring CISD Board of Trustee, Mr. Gerald Irons for his many years of service and dedication to the Conroe Independent School District. Chairman Tough then called for a motion and second on this item. Board discussion followed.

**MOTION:** Motion by Director Blair to approve the proclamation; second by Director Campbell

**VOTE:**           **Ayes:** Chairman Tough  
                          Vice Chairman Matthews  
                          Secretary Hunter  
                          Treasurer Robb  
                          Director Blair  
                          Director Campbell  
                          Director Hausman

**Nays:** None

**Abstentions:** None

**Absent:** None

**ACTION:** Motion passed unanimously (7-0).

Following the presentation, Mr. Irons thanked the Board for the special honor and expressed his appreciation to his family for their encouragement and love. Director Blair, President of the CISD Education Foundation, commented that a scholarship fund has been established in the name of Mr. Irons for the next five years to assist students who have the athletic abilities, but do not have the financial means to go to college.

**Receive and consider a discussion of the 2011 Waterway Cruisers budget:**

Monique Sharp presented background information on this item. During her presentation, Ms. Sharp reviewed historical information and stated that in July 2010, the concept of the Waterway Cruiser Program was discussed and a funding source was identified in the form of a one percent supplemental hotel room tax. In October 2010, a series of agreements were developed, one being a Funding Agreement which allowed for \$500,000 to be used to offset any documented operating deficits for the Waterway Cruiser Program and to fund renovations to the equipment, that being the Waterway Cruisers, over a five year period.

Following Ms. Sharp's presentation, Board discussion followed. Director Campbell expressed that the Convention and Visitors Bureau (CVB) Board of Directors should provide justification for going over the \$150,000 allocated for the renovation of the Waterway Cruisers. He also objected to the CVB having reserves. Secretary Hunter suggested that a simple online summary of Waterway Cruiser hours of operation and ridership would be a good thing to implement. Director Hausman requested information on how much of the \$500,000 has been spent on the Waterway Cruisers since January 2010. This item will be brought forward to the August 24, 2011 regular Board meeting for consideration and action under the Regular Agenda.

**POTENTIAL CONSENT AGENDA:**

*(This agenda consists of non-controversial or "housekeeping" items required by law that will be placed on the Consent Agenda at the next Board Meeting and may be voted on with one motion. Items may be moved from the Consent Agenda to the Regular Agenda by any Board Member making such request.)*

**Receive, consider and act upon approval of the minutes of the July 21, 2011 Board Workshop, July 26, 2011 Special Board Budget Workshop, July 27, 2011 Regular Board Meeting, July 27, 2011 Town Hall Meeting, July 28, 2011 Special Board Budget Workshop, July 29, 2011 Special Board Budget Workshop, and August 2, 2011 Special Board Budget Workshop of the Board of Directors of The Woodlands Township;**

Chairman Tough asked the Board to review the minutes in preparation for the August 24, 2011 regular Board meeting. There were no corrections or additions to the minutes. This item will be brought forward to the August 24, 2011 regular Board meeting for consideration and action under the Consent Agenda.

**BRIEFINGS:**

**Receive and consider a discussion regarding Ken Lakes Drive:**

John Powers presented background information on this item. Mr. Powers then introduced Dan Kolkhorst, Vice President of Engineering & Construction for The Woodlands Development Company (TWDC) and Joel Deretchin, former Vice President of Public Affairs for TWDC. Mr. Kolkhorst made a presentation regarding the Ken Lakes Drive matter and noted that TWDC intends to defer the opening of Ken Lakes Drive until the summer of 2012. However, Mr. Kolkhorst indicated that should construction of a pre-school be completed ahead of schedule, there may be a possibility that Ken Lakes Drive may need to be opened earlier. The Board was also informed that Terramont pathway will be reopened before school starts on August 22. Additionally, TWDC provided background information on the intended use of the commercial area east of FM 2978 and west to the proposed pre-school. Board discussion followed.

Following Board discussion, it was the decision of the Board not to carry this item over to the August 24, 2011 regular Board meeting for further discussion.

The Board acknowledged Vice Chairman Matthews, TWDC and Mike Bass for their help in facilitating discussion of the Ken Lakes Drive matter as well as their efforts toward understanding resident concerns.

**Receive and consider a presentation regarding a fare system for Town Center Trolleys;**

Miles McKinney presented background information on this item and then called on John McBeth, President and CEO of Brazos Transit District, to make a presentation and proposal for implementing a minimal fare. Mr. McBeth referred the Board to handout material that provided historical information and also information on ridership and revenue based on a fare system. Board discussion followed. Chairman Tough then asked Don Norrell to comment on this item. Mr. Norrell recommended having The Goodman Corporation provide feedback and a recommendation on a fare system for the trolleys. It was the Board's decision to have this item brought forward to the August 24, 2011 regular Board meeting for consideration and action under the Regular Agenda.

**Note:** Director Blair left the meeting at this point due to a prior engagement.

**Handout material for the above item is attached hereto as Exhibit "A".**

**Receive and consider an update regarding the Governance Planning Process for The Woodlands;**

Karen Dempsey presented a briefing on the current Governance Planning Process for The Woodlands. Ms. Dempsey provided handout material that outlined the initial stakeholder groups and interview dates. Following these meetings, Partners for Strategic Action (PSA) will finalize the performance analysis to identify areas of consensus, potential gaps, future challenges, and divergent viewpoints. Upon completion of the analysis, PSA anticipates to present these findings at the September Board meeting. Economic Planning Systems, Inc. (EPS) and PSA are currently developing financial assumptions to be used in the performance of the municipal incorporation financial analysis. A compilation of these assumptions will be presented to the Board in October for review and approval prior to beginning the financial analysis. Board discussion followed. This item was for information sharing only.

**An Executive Summary and handout material for the above item is attached hereto as Exhibit "B".**

**Receive and consider the 2012 Operating Budget and 2011 Property Tax Rate for The Woodlands Township;**

Monique Sharp was called on to present this item. Ms. Sharp informed the Board that action on this item would be taken at a special meeting of the Board on August 24, 2011 at 9:00 a.m. at the Board Chambers location. The Board was then given the opportunity to discuss the budget. Secretary Hunter expressed that due to the effects of the world and national markets over the last month that this was not the time for the Board to be adding things to the budget (i.e. Sawmill Park improvements). Director Campbell asked what would happen if the budget did not match the tax rate. Don Norrell commented that the budget should be matched by the tax rate and that the Board should make those decisions. Following Board discussion, the Chair moved to the next agenda item.

**Receive, consider and act upon an addition to the 2011-2013 Park and Pathway Maintenance Agreement with BIO Landscape & Maintenance, Inc. for Timmaron Park Multi-purpose Field;**

John Powers presented a summary of this item with a recommendation that the Board approve the addition to the Park and Pathway Maintenance Agreement with BIO Landscape & Maintenance, Inc. for Timmaron Park multi-purpose field in the amount of \$5,068.80 per year and authorize the

President/General Manager to execute the agreement. Board discussion followed. It was the Board's decision to place this item on the Consent Agenda for consideration and action at the August 24, 2011 regular Board meeting

**POTENTIAL REGULAR AGENDA:**

*(This agenda consists of items that will be placed on the Regular Agenda at the next Board of Directors' meeting.)*

**Receive, consider and act upon a First Amendment to the Reciprocal Parking Easement Agreement with First Baptist Church of The Woodlands;**

John Powers provided a summary of this item with a recommendation that the Board approve the First Amendment to the Reciprocal Parking Easement Agreement with the First Baptist Church of The Woodlands. Board discussion followed. This item will be brought forward to the August 24, 2011 regular Board meeting for consideration and action under the Regular Agenda.

**Receive, consider and act upon approval of construction in Town Green Park regarding a 9-11 sculpture sponsored by Home Depot;**

John Powers presented background information on this item. Mr. Powers stated that following the July Board meeting he met with Scott Darby from Home Depot regarding the 9-11 sculpture. At that time, Mr. Powers provided Mr. Darby with an application and other related documents to be used for submission of art work. Mr. Powers informed the Board that he had not received anything from Mr. Darby since their meeting and advised that this item not be placed on the August 24, 2011 agenda. The Board agreed with Mr. Powers' recommendation.

**Receive, consider and act upon a recommendation from the Audit Committee regarding acceptance of the 2010 Audit Report;**

Monique Sharp presented this item and informed the Board that the Audit Committee will meet on August 23, 2011 to review the 2010 Audit Report with the auditors. The Audit Committee will then make a recommendation to the Board at the August 24, 2011 regular Board meeting and the Board will take action on this item at that time.

**Receive, consider and act upon adopting Order No. 016-11 calling an election on the adoption of the state law on collective bargaining for firefighters; (Supplemental Agenda)**

Chairman Tough referred the Board to a Supplemental Agenda for adoption of an Order Calling Election. Mike Page, legal counsel, was not present to discuss this item. This item will be brought forward to the August 24, 2011 regular Board meeting for consideration and action under the Regular Agenda.

**Receive, consider and act upon funding to update the existing Advanced Planning and Environmental Report for proposed intermodal transit/parking facility;**

Barry Goodman of The Goodman Corporation (TGC) provided a summary of this item. Mr. Goodman informed the Board that an update of the Preliminary Engineering/Environmental Assessment (PE/EA) report for the transit terminal/parking garage is needed in order to gain federal funds for the project. Funding opportunities to accomplish the report were also discussed. TGC is seeking Township Board approval of \$20,000 as its share of the estimated terminal PE/EA update cost. Board discussion followed. This item will be brought forward to the August 24, 2011 regular Board meeting for consideration and action under the Regular Agenda.

**Note: Chairman Tough returned to the Supplemental Agenda and called on Mike Page to make a presentation regarding calling an election on the adoption of the state law on collective bargaining for firefighters;**

Mike Page provided background information on this item and informed the Board that it was necessary that the Township initiate the process for calling an election. Mr. Page commented that election contracts with Montgomery County have been prepared. The adoption election will be held on November 8, 2011. Board discussion followed. The Board will act on this item at the August 24, 2011 regular Board meeting.

**Receive, consider and act upon a Mutual Aid Agreement with Montgomery County regarding disaster reimbursements;**

Fire Chief Alan Benson provided a summary of this item with a recommendation that the Board approve the Mutual Aid Agreement between Montgomery County, TX and The Woodlands Township, as substantially presented and authorize the Chairman of the Board to execute the agreement, upon final form. Board discussion followed. It was the decision of the Board to place this item on the Consent Agenda for the August 24, 2011 regular Board meeting.

**Receive, consider and act upon an Interlocal Agreement with Montgomery County for street construction, repairs and maintenance and act upon adoption of Resolution No. 017-11 in connection therewith;**

John Powers provided a summary of this item with a recommendation that the Board approve the Interlocal Agreement with Montgomery County and the resolution requesting the driveway construction of Research Forest; authorize the President/General Manager to execute the Interlocal Agreement and resolution; authorize the President/General Manager to execute any future resolution for the repair and maintenance of any street within the Township deemed necessary by the President/General Manager. Board discussion followed. It was the decision of the Board to place this item on the Consent Agenda for the August 24, 2011 regular Board meeting.

**Receive, consider and act upon workers compensation insurance contract;**

Susan Welbes informed the Board that the current workers compensation insurance contract expires September 12, 2011 and that she has been working with Willis of Texas and the Texas Municipal League to obtain quotes. There were no quotes to provide to the Board at this meeting. Ms. Welbes informed the Board that she would have quotes available at the August 24, 2011 meeting. Board discussion followed. This item will be brought forward to the August 24, 2011 regular Board meeting for consideration and action under the Regular Agenda.

**Receive, consider and act upon an agreement with The Woodlands Marathon;**

John Powers provided a summary of this item with a recommendation that the Board approve the Host Venue Sponsorship Agreement with The Woodlands Marathon Management, LLC and authorize the President/General Manager to execute the agreement. Board discussion followed. This item will be brought forward to the August 24, 2011 regular Board meeting for consideration and action under the Regular Agenda.

**Receive, consider and act upon adoption of a Township Resolution No. 018-11 asking Texas Department of Transportation (TxDOT) to deny TexCom driveway application on FM 3083 in Montgomery County;**

Miles McKinney provided a summary of this item with a recommendation that the Board adopt a resolution asking TxDOT to deny the driveway application of TexCom Gulf, LLC that would allow

connection of their project site to FM 3083 in Montgomery County and direct staff to file the resolution with the Montgomery County Office of TxDOT. Board discussion followed. It was the decision of the Board to place this item on the Consent Agenda for the August 24, 2011 regular Board meeting.

Note: The Board took a ten minute break at 9:55 a.m.

**CLOSED MEETING (if applicable);**

**Recess at 10:05 a.m. to Executive Session to discuss matters relating to real property pursuant to §551.072, Texas Government Code; deliberation of economic development negotiations pursuant to §551.087, Texas Government Code; discuss personnel matters pursuant to §551.074, Texas Government Code; and to consult with The Woodlands Township's attorney concerning pending litigation pursuant to §551.071, Texas Government Code;**

**Reconvene in Public Session at 10:56 a.m.**

Chairman Tough announced that it would not be necessary to take action at this time on any matters discussed in Executive Session.

**Receive, consider, and act upon agreements with Lake Woodlands Property Owners Association;**

This item will be brought forward to the August 24, 2011 regular Board meeting for consideration and action under the Regular Agenda.

**Receive, consider and act upon an amendment of a land lease agreement between The Woodlands Township and Montgomery County in regard to the reconstruction of Central Fire Station;**

This item will be brought forward to the August 24, 2011 regular Board meeting for consideration and action under the Regular Agenda.

**Receive, consider and act upon approval of a conceptual design for Central Fire Station;**

Chairman Tough called on Chief Alan Benson to introduce Carl Joiner and Ricardo Martinez with Joiner Partnership, Inc. Mr. Joiner made a PowerPoint presentation on the preliminary design of Central Fire Station. Following Mr. Joiner's presentation, Board discussion followed. This item will be brought forward to the August 24, 2011 regular Board meeting for consideration and action under the Regular Agenda.

**Receive, consider and act upon approval of utilization of a construction manager at risk for the reconstruction of Central Fire Station;**

Chief Benson provided background information on this item with a recommendation that the Board approve utilizing the Construction Manager at Risk process for the construction of the Central Fire Station facility in the amount not to exceed \$7.1 million. Board discussion followed. This item will be brought forward to the August 24, 2011 regular Board meeting for consideration and action under the Regular Agenda.

**ADMINISTRATIVE REPORTS;**

**Community Services;** presented by John Powers

- See attached written report

**Community Policing:** presented by Marian Leck

- See attached written report

**The Woodlands Fire Department-** no report

**The Woodlands Convention & Visitors Bureau:**

- Labor Day event coming up

**Administrative reports are attached hereto as Exhibit "C".**

**DISCUSS FUTURE AGENDA/ANNOUNCEMENTS:**

**Consideration of items to be placed on the agenda for next month's meeting:**

- **Secretary Hunter**-asked that staff report at next week's meeting, if possible, on the merits and difficulties of limiting the fountains at some of the lakes; Secretary Hunter also provided written comments regarding the 2011 Waterway Cruisers budget

**Secretary Hunter's written comments regarding the 2011 Waterway Cruisers budget are attached hereto as Exhibit "D".**

**Board announcements:**

- Chairman Tough announced that TxDOT is holding a Public Hearing this evening at 6:00 p.m. at McCullough Junior High School to discuss the State Highway 242 at Interstate Highway 45 Tolloed Direct Connectors Project

**Public comment; and**

- **Kelly Smith**-commented on the Ken Lakes Drive matter and presented a petition to the Board with 433 signatures from residents of the Village of Sterling Ridge opposed to the extension of Ken Lakes Drive

**Adjourn**

As there was no further business to discuss, Chairman Tough called for a motion and second to adjourn the meeting at 11:45 a.m.

**MOTION:** Motion to adjourn by Treasurer Robb; second by Secretary Hunter

**VOTE:**       **Ayes:** Chairman Tough  
                    Vice Chairman Matthews  
                    Secretary Hunter  
                    Treasurer Robb  
                    Director Campbell  
                    Director Hausman

**Nays:** None

**Abstentions:** None

**Absent:** Director Blair

**ACTION:** Motion passed unanimously (6-0).

A handwritten signature in blue ink, appearing to read "Claude Hunter", is written over a horizontal line.

**Claude Hunter**  
**Secretary, Board of Directors**

**EXHIBIT OMISSIONS\***

**EXHIBIT "A"**

**EXHIBIT "B"**

**EXHIBIT "C"**

**EXHIBIT "D"**

**\*To view Exhibits, please contact the Records Management Analyst at 281-210-3800.**